

REMARKS

Claims 1 through 21 are pending. Claims 2, 3, 6, 9 and 21 have been amended. Applicant notes that the title on the filing receipt is incorrect, and Applicant is concurrently requesting a corrected filing receipt.

The Examiner rejected claim 21 under 35 U.S.C. 112, second paragraph as indefinite. The Examiner contends that it is unclear how the “means for theft of energy is inhibited from an energy accumulator.” Applicant respectfully traverses the Examiner’s rejection. Claim 21 is in means-plus-function format and as amended recites, “means for inhibiting theft of energy from the second energy accumulator.” Example embodiments of the means for inhibiting theft of energy are described in the specification at page 3, lines 13-18 and at page 8, line 25 through page 9, line 19.

The Examiner rejected claim 21 as anticipated by Fumio, et al. (GB 2 353 151 A). Applicant respectfully traverses the Examiner’s rejection. Claim 21, as amended, recites “means for determining an amount of compensation due based on a difference between the first amount of energy and the second amount of energy.” The Examiner points to the Abstract of Fumio, which instead describes an exchange of a depleted battery for a charged battery. In Fumio, the batteries are uniform and the compensation is determined based on the amount of time required to charge the depleted battery. See Fumio, pages 6 and 13. There is no teaching, suggestion or motivation in Fumio of determining compensation based on a difference between an amount of energy stored in a first energy accumulator and an amount of energy stored in a second energy accumulator. Accordingly, claim 21 is not anticipated by Fumio.

The Examiner rejected claims 1-20 as anticipated by U.S. Patent Publication No. 2003/0209375 by Suzuki et al. Applicant respectfully traverses the Examiner’s rejections.

Claim 1 recites, “determining a difference in an amount of energy in the first and in the second accumulator; ... transmitting a value indicating the difference to a data acquisition device; ... inhibiting withdrawal of energy from the second energy accumulator and/or a vehicle drive-away; and ... releasing the energy withdrawal and/or drive-away inhibition via a signal.” The Examiner points to the Abstract and paragraphs

0006 and 0120 of Suzuki. Suzuki is directed to replacing all of the batteries in an electric vehicle. See Abstract. The Examiner points to paragraph 6 as teaching determining a difference in an amount of energy in the first and in the second accumulator. Paragraph 6 of Suzuki does not discuss determining the amount of energy stored in an accumulator at all, and thus does not teach, suggest or motivate “determining a difference in an amount of energy in the first and in the second accumulator,” as recited. Instead, paragraph 6 of Suzuki contrasts battery charging time with the time required to replace gasoline and other energy systems. Paragraph 120 of Suzuki indicates charging time data is sent to the charging management computer. The Examiner points to paragraph 120 as teaching inhibiting energy withdrawal or a vehicle drive-away, and releasing the inhibition via a signal. The only discussion of the replacement batteries in paragraph 120 of Suzuki is that they are installed in the vehicle. There is no teaching, suggestion or motivation of inhibiting energy withdrawal or a vehicle drive-away after the replacement batteries are installed, or of releasing the inhibition via a signal. Accordingly, claim 1, as well as claims 2-5 which depend from claim 1, are not anticipated by Suzuki.

Claim 6 as amended similarly recites, “a drive-away inhibition circuit configured to inhibit a withdrawal of energy from the accumulator after an exchange and to release the inhibition in response to a signal from an accumulator exchange station.” As discussed above with respect to claim 1, Suzuki does not teach, suggest or motivate inhibiting a withdrawal of energy from the accumulator and releasing the inhibition in response to a signal. Accordingly, claim 6 and claims 7 and 8 which depend from claim 6, are not anticipated by Suzuki.

Claims 9 as amended recites, “a data acquisition device configured to: store an indication of a difference in an amount of energy in the first energy accumulator and in the second energy accumulator; inhibit withdrawal of energy from the second energy accumulator by activating a circuit in the vehicle; and release the inhibition by transmitting a signal to the vehicle.” As discussed above, Suzuki does not teach suggest or motivate storing a difference between an amount of energy in a first accumulator and a second accumulator, inhibiting a release of energy from an accumulator and releasing the

inhibition. Accordingly, claims 9 and claims 10-16 that depend from claim 9 are not anticipated by Suzuki.

Claim 17 recites, “disabling the vehicle; installing in the vehicle a second energy accumulator storing a second amount of energy; determining a difference between the first amount of energy and the second amount of energy; and enabling the vehicle.” As discussed above, Suzuki does not teach suggest or motivate determining a difference between a first amount of energy and a second amount of energy, disabling the vehicle, and enabling the vehicle. Accordingly, claim 17 and claims 18 and 19 that depend from claim 17 are not anticipated by Suzuki.

The Examiner rejected claims 1-21 under 35 U.S.C. 103(a) as obvious over Fumio in view of Japanese Patent Publication No. 5292608 by Tatsuno. Applicant respectfully traverses the Examiner’s rejection. As discussed above, Fumio does not teach suggest or motivate determining or storing a difference in an amount of energy stored in first and second energy accumulators, inhibiting an energy withdrawal or drive away, or releasing the inhibition via a signal. The Examiner relies on the abstract of Tatsuno as teaching releasing the inhibition via a signal. The Examiner does not contend that Tatsuno teaches, suggests or motivates determining or storing a difference in an amount of energy stored in two energy accumulators. In addition, with regard to claims 1-16 and 21, Tatsuno discloses a block body 17. The block body 17 does not inhibit a withdrawal of energy from a second energy accumulator, and does not activate a circuit in a vehicle. Accordingly, claims 1-21 are not rendered obvious by Fumio, alone or in combination with Tatsuno.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

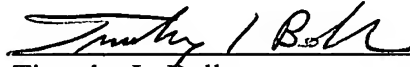
Application No. 10/516,761

Reply to Office Action dated February 20, 2007

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "Timothy L. Boller", is written over a horizontal line.

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